CHINESE EXCLUSION.

SPEECH

OF

HON. JOHN H. MITCHELL,

OF OREGON,

IN THE

SENATE OF THE UNITED STATES,

Monday, April 25, 1892.

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SPEECH

OF

HON. JOHN H. MITCHELL.

The Senate having under consideration the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States—

Mr. MITCHELL said:

Mr. PRESIDENT: It is not my intention to engage in any very lengthy discussion of the pending bill, but rather to give some of the reasons which will influence my vote on the several propositions before the Senate.

Much as I regret personally to antagonize what seems to be the result of the deliberate judgment of the distinguished Committee on Foreign Relations, I feel impelled by a sense of duty and by those opinions which I have entertained for many years, and which I have endeavored during the past seven years at all times to impress upon the Senate as best I could, to vote against the proposed substitute of the committee and in favor of the principle of absolute Chinese exclusion, as embraced in the bill as sent us by the House of Representatives.

I regret, however, that I am not inspired with any very well-grounded hope that anything I may be able to say at this time will be potential in preventing the adoption of the substitute proposed by the Committee on Foreign Relations. Should, therefore, the amendment of the committee be adopted, as now seems to be a foregone conclusion, and whether the Senate subsequently shall perfect that amendment or not so as to make it more acceptable to me, I shall give it my support, not because I believe it is that character of legislation which this Congress ought to enact on this important subject, not because I believe it is such legislation as the great masses of the people of the Pacific States and Territories, irrespective of party, desire and expect of this Congress at this time, but because it is infinitely better than nothing, and for the further reason that it is the very best, as I think, which a majority of the Senate is willing to accord, at least before a trial in conference.

I have listened with undivided attention and with considerable astonishment, I confess, to the very able and interesting speeches made by several of the members of the Committee on Foreign Relations, including the distinguished chairman of that committee [Mr. SHERMAN]. Those speeches, in my humble judgment, while able and interesting from their standpoint, were

not the character of speeches, as I think, which the great masses of the people of the Pacific States and Territories, who have felt keenly the touch of the evils of Chinese immigration, would have desired to hear from members of that committee.

Those speeches were such as we might have expected to hear from Senators who, by conviction, had arrived at the conclusion that it is entirely wrong to impose any restriction whatever on the coming of Chinese to this country. They were speeches which would have sounded well and which would have been influential, it seems to me, in the highest degree had they been made in opposition to the first proposition ever presented to the Senate of the United States in favor of inhibiting, even to a limited extent, the coming of Chinese to this country. Those speeches, and especially the speech of the honorable chairman of the committee and that of my distinguished friend from Minnesota [Mr. DAVIS], while able and interesting, presented arguments which, in my humble judgment, in view of the character of the amendment presented and advocated by that committee, and in view of the character of the legislation proposed by the House of Representatives, and which is antagonized by that committee, were fallacious and illogical.

Had the Committee on Foreign Relations desired, or did they desire now, to give expression by their acts to the full meaning of the sentiments expressed by them in those speeches, then it seems to me that there is but one way, and only one, to do that thing, and that is by a motion to recommit this bill to the committee with instructions to report a measure repealing all laws and treaties on the subject of restricting Chinese immigration, and reënacting in terms all the provisions of our original treaty with China of 1858 as modified by the Burlingame treaty of 1868. But if in this statement I am a little too harsh on the committee, or if my criticism is hypercritical, I certainly am justified in saying that if the instructions to which I refer should be modified so as to require a bill repealing the Scott exclusion act, then I am sure I should not be chargeable with any unjust or unreasonable criticism of the action of the committee.

Why do I say that the arguments of the committee, in view of the proposition they support and in view of the proposition they antagonize, are illogical and fallacious? The main argument which has been made by these Senators in antagonism to the House bill is because it transgresses our treaty with China. That is the sum and substance of the argument. We are told we must keep faith, and it is insisted that the House proposition is a violation of faith, that it is Punic faith, that it violates, or, to speak more properly, contravenes, abrogates, repeals our treaty with China or certain provisions of it. Well, the very proposition proposed by the Committee on Foreign Relations as an amendment does the same thing. Therefore I say the arguments made against the House bill are illogical and fallacious.

What does the Committee on Foreign Relations propose as an amendment here? It proposes to extend for ten years all existing laws upon the subject of Chinese immigration. Now, then, let us see if the Scott exclusion act of October 1, 1888, which is proposed to be extended by the committee, is not in direct contravention of one of the most important provisions of our treaty

with China of 1880. Article II of our treaty with China of 1880 provides as follows:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

It will be observed that by the provisions of that treaty we solemnly agreed with China that not only Chinese subjects who were teachers, students, merchants, or others who might come to this country out of curiosity, but also the Chinese laborers in this country at the date of this treaty—the 5th day of October, 1880—should be allowed to do what?

To go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

That is the treaty. What did the Scott exclusion act of October 1, 1888, which the committee propose to extend, say upon the subject? It is very brief and I will read it:

An act a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

There could not be a more direct and positive conflict between any two statements in any law or in any two laws than is presented by the conflict between the provisions of the second article of the treaty of 1880 and the provisions of the Scott exclusion act of October 1, 1888, yet that is one of the laws which the Committee on Foreign Relations present here as an amendment to the House bill. Then they come at us and the House of Representatives and at the country with the argument that we are violating a treaty with China. I say, then, that argument, in view of those facts, is illogical, is fallacious; it is an argument which ought not to have weight either with the Senate or with the country.

It is admitted, conceded here in the arguments of Senators, that the Scott act does contravene the treaty of 1880, but "it does not conflict with it quite as much," they say, "as the bill proposed by the House of Representatives, and, therefore, we are not the faith-breakers, but you, members of the House of Representatives and you Senators upon this floor who advocate the House bill are the faith-breakers who are not willing to keep faith with China; you are proposing to violate a treaty with China, and yet, in the very same breath they submit as an amendment a proposition which is equally bad, if anything can be bad which proposes to break down certain provisions of our treaty with China in order to protect our own people and our own institutions."

Mr. BUTLER. Will the Senator from Oregon permit me?

Mr. MITCHELL. Certainly.

Mr. BUTLER. The Senator from Connecticut [Mr. PLATT]

has just offered an amendment which obviates the difficulty of which the Senator is complaining, and I hope he will vote for it.

Mr. MITCHELL. I am not surprised that there is an attempt at this late day to doctor up the amendment proposed by the Committee on Foreign Relations; I am not surprised at that at all. But the arguments which have been made on this floor in opposition to the House bill and in support of the committee's amendment——

Mr. BUTLER. Then I hope the Senator is satisfied.

Mr. MITCHELL. I shall have to be satisfied with whatever this committee does so far as that is concerned, because the edict has long since gone forth that the amendment proposed by the Committee on Foreign Relations must be adopted, and this, too, by an overwhelming majority in the Senate, hence nobody must think that I am talking with a hope of influencing the defeat of that amendment. I know too well the present situation in the Senate not to be aware of that.

Mr. ALLEN. I wish to make an inquiry of the Senator. I ask if the ground which he takes is not that a violation of the treaty in the case of a hundred or a thousand Chinamen who have the right to come here under that treaty is just as flagrant as if the number were greater; in other words, it is a matter of principle and not of number?

Mr. MITCHELL. Most assuredly. It is a matter of principle, certainly, and not a question as to the degree or extent to which the conflict exists.

We should be willing to do one of two things, it seems to me. As the Congress of the United States we should either be willing to keep perfect faith with China in reference to each and every provision of every treaty we have with that nation; or, if we are willing to go one step in the abrogation of the provisions of any one of those treaties for the purpose of protecting our own interests in this country against Chinese immigration, we should be willing to take all the necessary steps in order to make our legislation effective. That is my position. This I think the bill of the House of Representative does, and I think the existing legislation does not.

Mr. PLATT. There are a great many of us here who feel that it is unnecessary to go to the length which the House bill goes.

Mr. MITCHELL. That is true. That is a matter of judgment and of determination for each Senator of course. I am perfectly aware of the differences of opinion as to what is absolutely necessary to be done in order to put an end to what each of the two great political parties in this country has been denouncing as a great national evil for years and years gone by. There is not a Senator upon this floor to-day of either party, I take it, who is willing to get up—perhaps there may be one or two—and say that the immigration of Chinese to this country is not a great evil, a threatening evil, a danger which imperils our institutions and leads to demoralization, and which ought to be checked if we as a great nation have the power to check it.

But I desire to say a word as to the power of Congress to abrogate treaties; and yet it ought not to be expected at this late day that anything should be said in support of the power of Con-

gress to abrogate a treaty, and it is not necessary, I take it, in so far as any member of the Senate is concerned, although it was necessary here in the Senate no longer than five or six years ago, when any number of Senators, to my certain knowledge, took the ground that Congress had no power by an act of Congress to abrogate the provisions of a treaty, but I believe now all agree that the power exists clearly. But the Eastern press of the country, or a great portion of the Eastern press of the country, to-day is antagonizing the House bill; and one of the grounds urged by that press is because, it is alleged, Congress has no power to abrogate a treaty.

Mr. GRAY. If the Senator will allow me, that matter was settled a long while ago. In a great debate twenty-five years ago Mr. Sumner made a speech on that question and demonstrated it. It was accepted at the time, and I never knew that it had been controverted since.

Mr. MITCHELL. That is true. It has been settled, not only once, as the Senator states, but over and over again by this very Senate, composed, perhaps, not all of the same members that compose the Senate now. The Senate and the House no longer ago than in the Forty-fifth Congress, by a direct vote, abrogated, so far as Congress without the approval of the President could abrogate, the treaty of 1868, the Burlingame treaty, and I have the vote on that proposition now before me.

I will read the vote to the Senate. That, remember, was a direct vote submitted in the House of Representatives to repeal the Burlingame treaty in so many words, to abrogate it, to set t aside. It was not coupled with any other legislation. It passed the House by a vote of 155 yeas to 72 nays, 61 not voting. It passed the Senate by 39 yeas to 27 nays. I will read the yeas, commencing with my friend who sits right in front of me, the Senator from Iowa:

Allison, Bailey, Bayard, Beck, Blaine, Booth, Cameron of Pennsylvania, Coke, Dennis, Dorsey, Eaton, Eustis, Garland, Gordon, Grover, Hereford, Jones of Nevada, Kirkwood, Lamar, McDonald, McPherson, Maxey, Mitchell, Morgan, Oglesby, Paddock, Patterson, Plumb, Ransom, Sargent, Saunders, Sharon, Shields, Spencer, Teller, Thurman, Voorhees, Wallace, Windom.

Then you have thirty-nine Senators, who, with one exception, were all prominent Senators of the United States, who voted in the Forty-fifth Congress on a direct vote to abrogate the Burlingame treaty. Then we hear talk about bad faith.

Mr. PLATT. What became of the bill?

Mr. MITCHELL. It was not signed by the President.

Mr. ALLISON. Who was the "one exception" the Senator referred to?

Mr. MITCHELL. The one exception was myself. [Laughter.]

Mr. GRAY. Did you vote for it?

Mr. MITCHELL. I did. I say they were all with one exception prominent Senators [laughter], leading Senators, headed by such men as my friend from Iowa [Mr. ALLISON], the present Secretary of State, Mr. Blaine, and the old Roman, Thurman—such men voted here on a direct vote to abrogate the very treaty which we hear so much talk about now by the distinguished Committee on Foreign Relations as to not keeping faith and all that kind of—as it seems to me—nonsense at this late day. Why,

I should suppose if there was any one thing settled better than another, it is that the people of this country, irrespective of party, had come to the conclusion that Chinese immigration to this country was a great evil which ought to be put an end to.

We either believed that or we have been demagoging in our primaries, in our political conventions in States, in our Legislatures, and in our national conventions, and I take it for granted that no party would do that, and certainly the Republican party would not do it, as is suggested to me by my friend from Iowa [Mr. ALLISON].

Mr. GRAY. I will ask the Senator if that was before the treaty of 1880?

Mr. MITCHELL. Oh, yes; certainly. Both before and since.

Mr. GRAY. Since the abrogation of the Burlingame treaty another treaty has been made, which very largely alters the condition of things existing at the time that was made.

Mr. MITCHELL. As a matter of course, but I am trying to maintain the proposition with which I started out, that the arguments of the members of the Committee on Foreign Relations are illogical. And also that all this talk about abrogating treaties, this fear that we shall do something to excite the displeasure of China, and which will bring down upon the head of this nation the condemnation of the Chinese Emperor, has no real grounds of support. We are told that if we abrogate a treaty the Chinese will break off trade with us. Why did they not declare nonintercourse when both Houses of Congress, by a large majority, on a direct vote in the Forty-fifth Congress abrogated the Burlingame treaty, so far as they could abrogate it without the consent of the President? Why did not China then withdraw her minister and cause a cessation of trade, and declare nonintercourse? She did nothing of the kind. Her interests in the trade of this country being threefold to ours will prevent her, as it did then, from breaking off relations with us simply because we exercise our rightful sovereign power to protect our own interests, our people, and our institutions against what we regard as a great evil.

Not only so, but let me call attention to the fact that in our revenue laws we not only once and twice and thrice, but time and again have directly contravened the provisions of the treaties which we have had with foreign nations.

We had a treaty with Denmark in 1857, which provided, among other things, as follows:

> No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or should be payable on like articles, being the produce or manufacture of any other foreign country.

There was a solemn provision in our treaty of 1857 with Denmark, and yet in 1875 what did we do by a treaty? In 1875 the United States entered into a treaty with the Hawaiian Islands by which certain products were admitted free of duty. This treaty received the approbation of Congress, and it was insisted upon the part of the exporters in Denmark that by virtue of the provision in the Hawaiian treaty similar products to those admitted under the Hawaiian treaty should come in free of duty,

but the circuit court for the southern district of New York held as follows:

The stipulation in a treaty with a foreign power to the effect that no higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of the dominion of the treaty-making power than are or shall be payable on the like articles the produce or manufacture of any other foreign country does not prevent Congress from passing an act exempting from duty like products and manufactures imported from any particular foreign dominion it may see fit.

We have treaties to-day with the Two Sicilies, with Portugal, with Hayti, with Honduras, with Nicaragua, and Italy, if they have not been terminated recently, in which there is a like provision as in our treaty with Denmark, and yet we by our tariff laws have come in direct conflict with that provision time and time again; but we hear no protest from our friends from the East against abrogating treaties when the tariff is involved. Time and again, as the records of Congress will show, have you passed revenue laws which conflicted directly and emphatically with this provision in the treaty with Denmark, the Two Sicilies, Portugal, Nicaragua, Honduras, Hayti, and Italy. That can all be done and no protest is made, but when we of the West come here and say that in order to protect our people and our institutions, as well also as the people of the whole country, it becomes necessary to set aside certain provisions of a treaty with China which we can not get rid of in any other way, then our friends from the East say we are violating the treaty, we are transgressing solemn treaty stipulations which we have with China, and it will not do.

The arguments of our friends against the House bill moreover proceed upon the assumption that this is a new proposition which has been suddenly sprung upon the country by the House of Representatives; that it is a strange and a wild proposition, something that has never before been brought to the attention of the country, that has never been considered, and therefore for that reason they are against it.

The House bill in all its essential features has been considered carefully and deliberately by the people of the Pacific coast, and it was indorsed by the press and the people of that section of our country almost unanimously over six years ago. This House bill is word for word in its main restrictive features taken from a bill I myself introduced in the Senate on the 11th day of February, 1886, and a copy of which I now hold in my hand.

With one or two verbal changes, so far as the restrictive clauses are concerned, it is this bill. I introduced the bill, as I said, February 11, 1886. In fact, the bill that I introduced is stronger in its repressive qualities than is the House bill, from the fact that the bill does not contain a provision the House bill does, that the Secretary of the Treasury may make certain regulations so as to permit certain persons who desire to visit this country to come here. The bill introduced by myself did not contain that provision, and yet when that bill as introduced in 1886 providing for absolute exclusion of all Chinese persons, excepting only diplomatic representatives, was forwarded to the Pacific coast and published in the papers, it received, as I said, the almost unanimous indorsement not only of the press but of the people in conventions and in State Legislatures. If I had time I should like to read a few of the indorsements of the bill. I will

read one article, from the San Francisco Daily Evening Bulletin. It reads as follows:

If Senator MITCHELL'S bill, with some modifications, or any other bill having a like purpose in view, can be passed, the Chinese question will be solved for all time. That bill rises fully to the gravity of the case. If the question of our relations with China were broadly and ably presented, there is not much doubt that his proposition will become the law of the land. Mr. Morrow's bill was introduced early in the session. It went as far as it was thought it was possible to go at that time. But since then the Chinese question has undergone an entire change on the Pacific coast. One whole stage in the national process of its solution has been jumped over. There was no one who favored Morrow's bill who did not know that at some future time some other and more ultra measure would have to be adopted. By the act of the people in every city and town of importance on the whole coast the question has been advanced one step on the calendar, so to speak.

Revolutions never go backward. A social, moral, industrial, hygienic, financial, and ethnological revolution is now in progress in California and the other States and Territories of the Pacific. The general and, in many respects, lawful uprising of our people has stripped the question of the falsehoods by which it was surrounded. It is not the revolt of one class against another, however justifiable, but of a unanimous people determined to prevent the further defilement of this fair land by a heathen horde. It is Americanism asserting itself against the debased and servile Mongolism of Asia. For the time being the Pacific coast is fighting on the forepost of civilization. The movement is one which will occupy a greater space in history than the small souls who are now seeking to dwarf or divert it for gain imagine possible. It will rank second in the great moral and philanthropic movements of the epoch. The overthrow of black slavery was the first. The extinction of the more subtile coolyism of the present day is the second.

Senator MITCHELL'S bill is necessarily more in accord with the rising tide of popular determination to extirpate the Chinese evil once for all than any previous measure. There ought, in the present condition of things, to be no trouble about accepting it. There is no reciprocity at all in our dealings with China. We have received no reciprocal advantages. The case can be summed up in a few words: We enjoy no more rights in China than any other civilized nation, but our country alone has been opened up for the traffic of the man-dealers of Canton. That traffic is openly carried on with Cuba, Brazil, and Asia, and is sanctioned by treaty. Here it is cloaked and disguised because our laws forbid forced labor. Some people do not believe that the Chinese are held to service and labor in the United States because they do not see them driven about in gangs.

The chains which bind these slaves are invisible. They were forged out of their religion and their civil polity. The relatives of the Chinese peon are mortgaged at his home for the faithful performance of his contract. If he fail they are sold into slavery. He goes about apparently as a freeman, but his acts show the collar on his neck. Expensive lawyers are hired to represent coolies in the efforts to evade the restriction law, but in nothing else. Coolies move in obedience to orders issued by a central authority. They can not leave the country without the permission of their owners. If they attempt to do so they are removed from the steamer under trumped-up charges of felony. By cutting the Gordian knot as proposed by Senator MITCHELL we bring this slave incursion to an end. There is no reason to believe that such a summary method of proceeding will result in commercial loss of any kind.

That is what a leading and influential San Francisco paper says as to this House bill, which is the same identical bill introduced by myself so far as the exclusion provision is concerned—

There is no reason to believe that such a summary method of proceeding will result in commercial loss of any kind. Even if it did, every consideration of patriotism, morals, philanthropy, and civilization would require that the sacrifice should be made. But China has too good a thing in the trade with the United States to relinquish it. Besides, we are masters of the situation. By discriminating duties on tea and silk we can build up Japan at the expense of China.

Nor is there any necessity for diplomatic delay. No nation is bound to continue a treaty that is working it a constant and manifest injury. Great Britain did not ask permission when it modified by act of Parliament the extradition treaty which it had with us. It was enough for it that, in its opinion, that treaty was doing violence to some of the principles upon which its government was founded. No permanent, satisfactory arrangement can be made whereby certain classes of a people of whom we know but little, and of whose

language we are all ignorant, are to be admitted and certain others excluded. The exigencies of the Burlingame treaty, when the object was to adhere to the letter of that one-sided document, required that some such arrangement should be set up, but for the reasons stated it can never be made to work. There will always be fraud and imposition in the administration of any law of that kind. It is by far preferable that an end should be made of the whole business right off. The Chinese can not be admitted to this country. There are millions of them standing ready to overwhelm us if the gates are not finally and firmly shut.

Similar articles, which I will ask the privilege of inserting in my speech if there is no objection, were published in all the leading journals of San Francisco and of the coast—in the San Francisco Chronicle, the Morning Call, the Evening Post, and also a very strong article at that time was published in the Philadelphia Press, having special reference to this very bill, in which it came out and took strong ground for the absolute exclusion of Chinese from this country.

The San Francisco Evening Post, in referring to the introduction of the bill, spoke editorially as follows:

THE MITCHELL BILL.

Senator MITCHELL of Oregon has introduced a Chinese bill of a much more thorough character than any that has yet been offered by a responsible statesman. It abrogates all existing treaties with China, so far as they hamper the United States in dealing with immigration; forbids the entry of any Chinese persons except government officials and their servants; provides punishment for any master of a vessel who brings Chinese in violation of the law; prohibits the naturalization of Chinese, and makes due provision for the execution of the act. No chance is left for the courts to nullify the law. The prohibition of immigration, with the one exception named, is absolute. In express terms, it applies to all persons of Chinese race, whether subjects of the Chinese Empire or not. The amiable witness, who appears with mechanical regularity to swear that the petitioner once lived on "Dupon' stlee'," would, under this measure, find his occupation gone, for previous residence is not recognized by the bill.

As to the justice of this proposed act there can not be two opinions on the Pacific coast. It is precisely what the Post has been recommending for months, and what will have to come, sooner or later.

The Daily Evening Bulletin of the same issue said, among other things in its leading editorial, the following:

SENATOR MITCHELL'S PROPOSITION.

Senator MITCHELL of Oregon has introduced a bill in the Senate to abrogate all treaties which give the Chinese the right to enter this country and then effectually exclude them. There is not much doubt but that is a step which will have to be taken sooner or later. The movement against the coolies which is now so general throughout the Pacific coast goes by different names. As a matter of fact it is merely a popular effort more determined than anything that has yet been attempted to shake off Mongolianism. Its object is nothing more than the full and complete re-Americanization of the Pacific States and Territories, which are about the only areas not well filled up in the United States at this time.

It might as well be understood by all those who gave any thought to the subject, East or West, that this movement is not going to come to a halt, or that there is not going to be a reaction of any consequence. The conflict is as irrepressible as that between free and slave labor formerly in the South. It will proceed until the only logical solution possible under the circumstances is reached—that is to say, the absolute, complete, and eternal exclusion of the servile and disturbing Chinese element. If there is not legislation wise and broad to facilitate and guide the movement, it will, before long, assume another more ultra and less manageable form.

To Senator MITCHELL'S proposition, therefore, Congress will in time have to come. No doubt the wisest thing to do is to accept and enforce it now.

The San Francisco Morning Call said editorially in reference to this question and this particular measure:

MITCHELL'S ANTI-CHINESE BILL.

Senator MITCHELL has begun where other anti-Chinese legislators will end. The present Congress may not be prepared for the bill Mr. MITCHELL has pre-

sented, but the next Congress will be. The people of the United States appear to have made up their minds that Chinese immigration must be stopped, the only question now being as to the necessity of an act of legislation which abrogates existing treaties. The Mitchell bill will be opposed in Congress on the ground that it is a discourtesy to the State Department to give notice of the abrogation of a treaty through Congressional action. It will be held by some that the State Department should exhaust diplomatic resources in the effort to obtain such a treaty as we want before Congress shall declare a treaty abrogated. It seems to us, however, that time enough has been wasted in waiting for the State Department to act. There is much reason to doubt if that Department is intensely interested in keeping Chinese out of the country. It is certain that the Treasury Department has construed the present law to admit Chinese in transit without assuming the duty of ascertaining if the Chinese so admitted left the country as they reported their intention to do.

In various ways the Departments have done much to render the present law ineffective. There is some excuse, in consequence, if Congress, representing the people, takes the task of getting rid of Chinese into its own hands. Nine years ago, in the early part of Mr. Hayes's administration, an exclusion law was passed which did not pretend to conform to existing treaties. The President vetoed it on the ground that it would be discourteous to China to announce through Congress the abrogation of a treaty. Under the stimulant of this Congressional act the State Department set its intellectual forces at work, and in the course of time the treaty of 1880 was agreed upon. By that treaty we agreed to allow all Chinese then in the country to go and come at pleasure. The go-and-come clause in the treaty has proved fatal to its usefulness. The "go" was all right, but the "come" was a mistake. Senator MITCHELL's bill eliminates the word "come" wherever it occurs. The facilities for going are not in the least impaired, but we do not want any one Chinaman to go but once. The Call has frequently expressed the belief that the present act might be made effective by literal construction and rigid enforcement.

But the courts say that literal construction violates the spirit of the treaty. Rather than violate the spirit of the treaty the courts have so construed the act that it serves but little purpose. It increases the cost of landing Chinese in the country, but it does not apparently materialy diminish the number landed. Now, if we must disregard the treaty, let us do so in an open and manly way. Let us say to the Chinese Government that on and after a certain date no Chinese laborers will be allowed to land in the United States. The stupendous folly of permitting a Chinaman to return and repeat his raid should be openly renounced. Provisions can be made for the migration of recogn'zed merchants whose business requires an occasional trip to China. But when a Chinese laborer goes he should be denied the privilege to return. The Call favors all legislation which will strengthen the present law. If the Morrow bill can be passed and the Mitchell bill can not, let us have the Morrow bill. If it does not work better than the present law, Congress will be ready for the Mitchell bill before its fiftieth session expires.

The Call, in another editorial, said:

MAKE IT TIGHT.

A Washington dispatch says it is thought that all the anti-Chinese legislation the Pacific coast desires will be conceded by Congress. The anti-Chinese legislation which the Pacific coast especially desires is an enactment which will keep Chinese out of the country. Our experience convinces us that this can only be done by the enactment of a law forbidding Chinese laborers to return at all. When they go let them stay. So long as we undertake to provide for the return of the Chinese laborers, so long will fresh Chinese be sent in the place of those departed. We do not ignore the provision in the last treaty which allows Chinese then in the country to go and come of their own accord. It is, however, within the constitutional power of Congress to notify the Chinese Government that this provision of the treaty can not be observed without abandonment of the purpose for which the treaty was made.

We have tried during four yeas a restriction law which carefully observed the provisions of the treaty. Between Department decisions and judicial decisions, all intended to carry out the spirit as well as the letter of the treaty, this law has been made ineffective. We now want a law that can not be construed away. The bill Representative Morrow has introduced limits the time within which a Chinese laborer may remain in China without forfeiting the right to return to two years. This is a disregard of the treaty, which makes no limit at all. An air-tight and water-proof Chinese exclusion law is what the Pacific coast now desires.

The Chronicle, in discussing the pending bill editorially, said:

He [MITCHELL] has gone further than the most strenuous opponents of the Chinese have thus far gone, but it is just as well for Congress to face it now. MITCHELL will doubtless furnish reasons to justify the legislation he proposes, and show that the trade with China is not worth considering.

There is another point I wish to call to the attention of my friends who advocate the amendment of the committee, the members of that committee, and especially of my friend from Minnesota [Mr. DAVIS], who, in his interesting speech, spent considerable time upon the point. I desired at the time to interrupt him to ask him the question, but I did not have an opportunity. I desired to ask the Senator from Minnesota whether it would make any difference to him in proceeding to enact a law that would come in contravention with the provisions of a treaty, provided it was made apparent to him in advance that the other party had been *violating*—not abrogating, but had been *violating* the provisions of that same treaty time and time again and continually? That is this case, Mr. President. I assert here, and I assert it on the very highest authority, I assert it upon the authority of three of the most eminent Federal judges of the Pacific coast, I assert it upon the authority of Mr. Justice Field of the Supreme Court of the United States, upon the authority of the late Lorenzo Sawyer, United States circuit judge for the ninth circuit, and upon the authority of the late Ogden Hoffman, United States district judge for the district of California.

Mr. KENNA. Does the Senator mean that they held the Chinese violated the treaty?

Mr. MITCHELL. The assertion is that the Chinese Government prior to any attempt upon our part to abrogate or repeal any of the provisions of our treaty with China, time and again and repeatedly *violated* certain provisions of that treaty, which is infinitely worse upon the part of any nation than to *abrogate* it or *repeal* it.

Mr. PLATT. What were the violated provisions?

Mr. MITCHELL. I will show the Senator what they are, and what the judges said on the subject and what Secretary Bayard said. I will read what Mr. Justice Field stated in the case of Chew Heong *vs.* The United States (112 U. S. Reports, page 567). Said he:

No American citizen can enjoy in China, except at certain designated ports, any valuable privileges, immunities, or exceptions. He can trade at those ports, but nowhere else. He can not go into the interior of the country and buy or sell there or engage in manufactures of any kind. A residence there would be unsafe, and the crowded millions of her people render it impossible for him to engage in any business of any kind among them. * * * Reciprocity in benefits between the two countries in that respect has never existed. There is not, and never has been, any "mutual" advantage in the migration or emigration of the citizens or subjects, respectively, from one country to the other, which the treaty, in cordially recognizing, assumes to exist.

Mr. PLATT. That has reference to the treaty of 1868?

Mr. MITCHELL. Yes, by the Burlingame treaty everything in the shape of emigration, except that which was entirely voluntary, was denounced and reprobated. I will read what Mr. Justice Field said in the case first referred to. By the provisions of that treaty the Chinese Empire covenanted to pass laws making it a penal offense for a citizen of the United States or Chinese

subject to take Chinese subjects to the United States without their free and voluntary consent. That is one of the provisions of the treaty. Now, what does Justice Field say after citing that provision? He says in the case referred to, in 112 United States Reports, page 567:

In the face of this explicit provision large numbers of them, more than one-half of all who have come to the United States, have been brought under what is termed the contract system; that is, a contract for their labor. In one sense they come freely, because they come pursuant to contract, but they are not the free immigrants whose coming the treaty contemplates, and for whose protection the treaty provides. They are for the time the bondthralls of the contractor—his cooly slaves. The United States had already legislated to prevent the transportation by their citizens of coolies from China to any foreign port; but no law has ever been passed by China to prevent its subjects, thus bound, from being taken to the United States.

Now, Mr. President, according to this declaration of this eminent judge, in an opinion delivered from the bench of the Supreme Court of the United States, China had continually violated her treaty with us; and yet we are told we are acting hastily and in bad faith, and we are implored to not affront China, and we must not do anything to agitate the Chinese authorities, lest we cause them to break off our friendly relations, and thus destroy our trade with them.

But not only so, I call attention to a letter of Secretary Bayard to the then President of the United States, transmitting the treaty of 1888 entered into between this Government and the Government of China bearing upon this same question, as to whether China had violated the provisions of our treaties. The letter is dated December 28, 1887, from Mr. Bayard to Mr. Chang Yen Hoon, then minister from China to the United States. He says:

DEPARTMENT OF STATE,
Washington, December 28, 1887.

SIR: I am constrained in the interests of that international comity which we both desire so fully to promote and sustain, to attract your excellency's attention to certain late disclosures in the course of judicial proceedings at San Francisco, in which certain Chinese subjects were arraigned for violation of existing laws of the United States relative to the restriction of the immigration of the Chinese laborers, passed for the enforcement of the existing treaties with China.

From the published letters of the judges and the public report of the proceedings in these trials the facts seem to be established that a systematic evasion of the restriction upon the immigration of Chinese laborers, imposed by laws passed in pursuance of the treaties, has been and continues to be practiced by Chinese professing to have gone away from the United States and claiming the right to return hither under the provisions of the treaty.

The details of these disclosures are shocking and unnecessary for repetition in this correspondence. Suffice it to say that an extensive traffic in immorality of the grossest nature, by which Chinese women are imported into the United States and brought and sold into infamy by their own countrymen, is clearly proven to have been carried on.

Then further he says:

The systematic violation of the treaty of 1880, and of the restrictive act of the United States passed in 1882, was averred by the eminent judge (Hoffman), before whom part of the cases were tried, and were also stated by another judge (Sawyer) in a published letter to the Hon. Mr. Morrow, M. C., dated November 21, 1887.

Here, then, we have the reported statement of these three eminent Federal judges that the violations of the treaty, not merely of the restriction acts, but violations of the treaty, were repeated.

Mr. GRAY. Will the Senator state, if he has it there conven-

iently for that purpose, what those evasions were of which the judge spoke?

Mr. MITCHELL. I stated that a moment ago.

Mr. GRAY. Of which Judge Hoffman spoke?

Mr. MITCHELL. That does not appear. It evidently relates to the labor-contract provision. It is violation of the treaty provision that they shall not bring persons to this country under contract, and that there had been a failure on the part of China to repress involuntary immigration, as that Government had covenanted to do in the treaty.

Mr. GRAY. That would be a violation of the Burlingame treaty, not of the treaty of 1880.

Mr. MITCHELL. That provision in the Burlingame treaty is not abrogated by the treaty of 1880 at all. It remains in force. It is part of the treaty to-day between this Government and China.

Mr. PLATT. As I understand it, the claimed violation was that China had failed to pass any laws to prohibit any involuntary emigration to the United States.

Mr. GRAY. Under article 5 of the Burlingame treaty.

Mr. MITCHELL. Which they had stipulated to do.

Mr. PLATT. They had not passed the laws which they had stipulated to do under article 5 of the Burlingame treaty?

Mr. KENNA. I understand the objection goes beyond that altogether; that they not only failed to pass laws, but not having passed laws, the very thing provided against by that section 5 was occurring.

Mr. MITCHELL. That it had been carried on presumably with their knowledge and consent, because it does not seem that there was any protest made or any steps taken by the Chinese Government or any representative of the Chinese Government to repress the illicit immigration or the horrors accompanying it that were shown up by judicial proceedings in San Francisco, until the attention of the minister from China—and I do not know that there was any taken then—was called to it by Secretary Bayard in his letter; and in the response made by the Chinese minister he admits virtually all that is charged. His response is in the same document.

Mr. PLATT. What is the document?

Mr. MITCHELL. Executive Document O, Part 2, Confidential, first session Fiftieth Congress. The seal of secrecy has been removed.

Mr. PLATT. On what page?

Mr. MITCHELL. Page 88. Chang Yen Hoon, in responding to this letter of Secretary Bayard, in referring to that part——

Mr. KENNA. Has the document been made public?

Mr. MITCHELL. Yes, it has been made public. It is no longer confidential, certainly not now. Minister Chang Yen Hoon, in responding to this letter of Secretary Bayard, said:

> The shocking traffic in immorality alluded to in your note, by which Chinese women were imported into the United States and brought and sold into infamy by their own countrymen, is indeed detestable. I had heard of it previously.

So far from denying that these violations of the treaty were going on in a high-handed manner, he admits that it is so, and

that he had heard of it before, and that it is "indeed detestable;" and yet we must be told here by members of the Committee on Foreign Relations that we must not proceed as we have the right and the power to proceed in our sovereign capacity as a nation to do whatever is necessary to be done to repress this great evil, even if it is to the extent of abrogating every provision of every treaty that ever existed between this country and China.

Mr. PLATT. I think the Senator ought also to read what the Chinese minister said a little further on.

Mr. MITCHELL. Yes, he says he had—

repeatedly written to the viceroy and governor of Canton on the subject, requesting them to strictly charge the local authorities to make stringent efforts for the arrest and severe punishment of those who are guilty of the crime described.

But nothing was done to interrupt the illicit migration, nor was anything done by the Chinese Government to repress its accompanying horrors or mitigate their fearful consequences.

Mr. HISCOCK. Without any purpose of interrupting the Senator, I am curious to know what report from the Committee on Foreign Relations or what remark has been made by any member of the Committee on Foreign Relations that he can construe into the expression, "We are told that the Committee on Foreign Relations are opposed to the correction of this evil." He entirely misunderstands the position of the Committee on Foreign Relations. They are opposed to that and have presented a bill which will absolutely correct it; and he can not, run as swift as he can, outrun them in efforts to prevent it. The only thing that the Committee on Foreign Relations propose to do in correcting it is to correct it effectively; but under this cry against the Chinaman, under this thrashing over of old straw on this subject, they do not propose to go away beyond or be induced into going away beyond any necessities of the case in the legislation in respect of Chinese.

Mr. MITCHELL. I supposed the Senator from New York desired to ask a question, and instead of that he made a speech.

Mr. HISCOCK. I did desire to ask a question, and I have, and I desired to indulge in a practice which did not originate with me, but which I have seen followed by the Senator from Oregon, of right then at that point repudiating, so far as I may on the part of the Committee on Foreign Relations, the position on this question that he assigns to that committee.

Mr. MITCHELL. The Committee on Foreign Relations has presented a bill which simply extends existing laws.

Mr. HISCOCK. It does more than that.

Mr. MITCHELL. A little more—a very little more.

Mr. HISCOCK. A great deal more.

Mr. MITCHELL. That is about all there is to it. It is an extension of existing laws. I undertake to say to the Committee on Foreign Relations and to the distinguished Senator from New York that after an experience of nearly ten years on the part of the people of the Pacific coast, who have had to contend with this evil, they have come to the conclusion, I think almost unanimously, that the existing laws on the subject of Chinese restriction do not properly, fully, or in any respect completely meet

the case. Furthermore, I supposed that the honorable Senator from New York, although he lives 3,000 miles away from the Pacific coast, knowing him to be the intelligent man and Senator that he is, taking in all that is being said and done in all parts of this great country, keeping pace with the record and public sentiment of the times, had been fully informed of that fact, and being so fully informed of that fact, and the committee generally being fully advised in the premises, I had hoped that instead of simply extending the existing laws they would have presented some more drastic measure.

Mr. HISCOCK. I desire to say, if the Senator will pardon me, that the Senator from New York—and I suppose he refers to me—had the honor of voting, as I said the other day, for the first anti-Chinese bill which passed Congress; and in respect to the evils that the Senator complains of, the Senator from New York is heartily and earnestly in sympathy with their correction and in favor of all the drastic measures that are necessary for their correction. Bear in mind, for their correction. The bill which has been reported here supplies an obvious defect in our present law, that it did not properly provide for the execution of the law now in force in respect to the deportation of the Chinese.

For that purpose a provision has been put in the bill, as I had occasion to say the other day, that must be absolutely efficacious for that purpose. What I object to is that when legislation of that kind is proposed, and by men who are just as anxious as the Senator from Oregon is to correct the precise evils complained of (and I do not stand in a rear line from him on that question) a false position is assigned to them.

Mr. MITCHELL. I certainly do not wish to assign a false position to the Senator from New York. I believe him; certainly am bound to after what he has just stated, but I believe he is mistaken in supposing existing legislation, even as modified by the committee, is an ample and complete remedy.

Mr. HISCOCK. Let me ask a question right here in respect to these Chinese women. How many are there of them in the United States?

Mr. MITCHELL. There are according to a recent investigation fifty-five houses of prostitution in the city of San Francisco where Chinese women are held under servile contract.

Mr. HISCOCK. No, no; how many Chinese women are there? I am not after the question of how many houses of prostitution there are in San Francisco. I am after the question of how many abandoned Chinese women there are in this country.

Mr. MITCHELL. I have not counted them, so far as I am concerned, nor am I for any reason able to answer the Senator's question.

Mr. HISCOCK. That is a more material question, so far as our legislation is concerned, than the fact of number of houses of prostitution that there are in San Francisco under State law. Does the Senator know how many Chinese women there are?

Mr. MITCHELL. Perhaps the Senator from California [Mr. FELTON] can answer the question.

Mr. HISCOCK (to Mr. FELTON). How many?

Mr. FELTON. I do not know the number, but——

Mr. HISCOCK. I should like an estimate.

Mr. FELTON. I should like to inform the Senator——

Mr. HISCOCK. I should like an estimate of the Senator of the number.

Mr. FELTON. I should like to say to the Senator that every one of them there, possibly with a very few exceptions—I do not know of any—are there for that purpose and under contract for that purpose, and the contract was made before they left their own country.

Mr. HISCOCK. I grant it, but——

Mr. FELTON. The Senator has asked me a question, and I hope he will allow me to proceed. I do not know what the Senator meant by houses of that character under State laws. I will inform the Senator that we have no law for that purpose.

Mr. HISCOCK. I do not; I will say tolerated under State law and established by State law.

Mr. MITCHELL. Mr. President, I decline to yield further.

Mr. FELTON. I object to that. We do not tolerate them under State law.

Mr. HISCOCK. I will say——

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield further, and he is entitled to the floor.

Mr. HISCOCK. Then I will withdraw the word "tolerated." I will say "existing in violation of State law."

The PRESIDENT *pro tempore*. The Senator from Oregon is entitled to the floor.

Mr. MITCHELL. I hold in my hand the San Francisco Chronicle of Sunday April 17, 1892, one week ago, in which there are seven full columns showing the beauties of illicit Chinese immigration to this country, which I will loan to my friend from New York and have him read at his leisure without consuming my time further.

Mr. HISCOCK. Mr. President——

Mr. MITCHELL. I decline to yield further.

Mr. HISCOCK. The Senator addresses his remark to me. Let me reply.

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield, and will proceed without interruption.

Mr. MITCHELL. I say I will loan the newspaper at the proper time to my friend from New York, that he may be better informed on this subject than he is evidently at present. I will read a few lines for the edification of the Senator. The paper starts out as follows:

It is a sad commentary on the greatness of a nation when her laws are used as engines of assault against her constitution. Sadder still is the existence of such an anomaly when it not only imperils the well-being of the State, but strikes a blow at the very foundation of her social system. With the abolition of slavery through the terrible medium of the war of the rebellion there came into the minds of progressive American citizens a feeling of complacency somewhat akin to that of one who has laid aside disreputable garments and donned a new suit of clothes.

It is not pleasant, therefore, for Americans to be told that all who seek protection under the Stars and Stripes do not breathe the air of freedom; that slavery is not altogether a thing of the past, but that human beings are to-day bought and sold into a worse slavery than ever Uncle Tom knew of, and that the laws of our country are powerless to crush out the curse. It is still more unpleasant to our ears when we are told that our processes of law are constantly being invoked, and sometimes successfully, in aid of this nefarious traffic in human flesh, yet such is the truth, unpleasant though it be.

Dwellers in San Francisco have long ago pleaded guilty to some knowledge of the shameful commerce in Chinese women which has for years been carried on in their midst, and it has been one of their strongest arguments against the toleration of the race. But people who read of Chinatown only as a curious and quasi-picturesque element in the sights of a great city will no doubt be surprised to know that this blot upon the escutcheon of our civilization is as deep and dangerous as will here be shown.

The impression has gone abroad, and has found local lodgment, too, that Chinese girls are no longer sought after now for purposes of barter and sale, but the impression is not founded on fact. The Chronicle has taken pains to make a thorough investigation of the matter, and its readers are herewith presented with the facts in the case fresh from personal observation to date.

This is all in the past ten days, and here are disclosures that would put to shame some of the worst happenings under African slavery in this country in its palmiest days. The article proceeds further as follows:

All things have a head, and organization is the order of our day and generation. The Chinese are known to be good organizers. Their secrect so cieties have furnished many fatal proofs of their power. It will not, therefore, be surprising, though it will be a matter of news, to know that the brothel keepers, who are the bone and sinew of the Chinese slave traffic, are as thoroughly organized as the Suey Ong Tong or its rivals. It has been known, of course, that there was more or less collusion between the Chinese slave dealers, but it has been left for the Chronicle to make public the details of their formal organization.

There are in the city of San Francisco sixty-two establishments where Chinese girls are held in bondage for purposes of prostitution. Each of these places is presided over by a gwi gung, a female high priestess of prostitution, or a qui pah, a male master of the house. Seven of these sixty-two brothels are run on an independent basis, but the keepers of the other fifty-five are banded together in a society known as the Len Wo Tong. These fifty-five dens of iniquity afford occupation for 230 women and girls, and each of these, as well as the brothel-keepers themselves—

I call attention to this—

has to pay a tribute of $1 a month into the treasury of the Len Wo Tong. Here, then, is a fund of $285 a month to start with, and an extra levy is always made when the fees paid to lawyers to defend the society's human "property" are extra large.

Here, therefore, is the nucleus of the Chinese slave traffic. The query may arise as to whether the bondage of the Chinese is confined exclusively to women and to immorality. The answer is in the affirmative.

But I will not stop to read further upon this loathesome subject.

Mr. GRAY. I will ask the Senator from Oregon whether these contracts are made now and carried out under present laws and those shiploads of persons brought in in contravention of the already stringent provisions of the Scott law?

Mr. MITCHELL. Not shiploads, perhaps, but they are coming in all the while one way and another. These contracts are being made, such as are referred to in this very article, showing the prices paid, as much as $1,300 being paid for one woman. They are regular written contracts drawn up, signed, sealed, and delivered.

Now, where I think the Committee on Foreign Relations are in one respect at fault in not reaching far enough in order to suppress this evil is in their recognition of the right of merchants, so-called, to come to this country. As stated by the Senator from Washington [Mr. SQUIRE] to-day, the testimony shows that there are really no merchants who come to this country, but hundreds of mere coolie laborers come in professing to be merchants, proved to be merchants by perjured Chinese testimony, and thus violate both law and treaty and defy the national authority.

Mr. BUTLER. May I inquire of the Senator from Oregon

whether the State of California may not deal with this evil by its police laws?

Mr. MITCHELL. No State can ever deal successfully with a great evil like this.

Mr. BUTLER. Other States do.

Mr. MITCHELL. It will require the full legislative power of this nation expressed in the most emphatic manner to suppress this great evil.

Mr. GRAY. To suppress their coming, but the Senator from South Carolina I suppose refers to the present existence here.

Mr. BUTLER. That is what I refer to.

Mr. GRAY. He refers to what the Senator from Oregon has read an account of in the papers.

Mr. MITCHELL. The State and municipal authorities may deal as best they can of course with these evils where they find them exiting within their respective jurisdictions, but the belief is on the Pacific coast—of course there are exceptions—but the general belief there is, if I am not mistaken, and it is my unqualified opinion, that the only way to put an end to the immigration of even Chinese laborers to this country is to enact an absolute exclusion law, one that will not recognize the right of persons to come in as merchants or in any other capacity except as diplomatic and consular officials. That is what the House bill does. It is the same bill, as I said in respect of its repressive provisions, that was introduced by me in 1886, and which has been introduced by me at every session since, and as has been already shown it met with the general approval of the press and the people of the Pacific coast.

Mr. BUTLER. I will ask the Senator from Oregon if the direct way to get at that would not be to give China notice and abrogate the treaty out and out, without undertaking to meet the difficulties by statutes of Congress. There is no need to have treaties in existence between the two Governments and then pass laws which are in direct contravention of them. Still, the Senator says the laws will not prevent the evil. It is better just to abrogate the treaties out and out and cut off all intercourse with China.

Mr. MITCHELL. That is what the United States attempted to do in the Forty-fifth Congress, when it passed an act, by a large majority in both Houses of Congress, repealing the Burlingame treaty, as I showed awhile ago.

Mr. KENNA. Why did not the Senator support the bill repealing the treaty?

Mr. MITCHELL. I did. I supported the repeal of the treaty.

Mr. KENNA. My friend is certainly mistaken. I have the RECORD before me, and the Senator from Oregon voted against the passage of the bill.

Mr. MITCHELL. Against the passage of what bill?

Mr. KENNA. The Chinese bill.

Mr. MITCHELL. What Chinese bill?

Mr. KENNA. The Chinese bill which was vetoed by President Arthur.

Mr. MITCHELL. I am not talking about the Chinese bill vetoed by President Arthur.

Mr. KENNA. But the Chinese bill was vetoed by President Arthur on the ground—and the ground only—that it contravened the treaty; and on the motion to pass it notwithstanding the Presidential veto, my friend, the Senator from Oregon, voted "nay."

Mr. MITCHELL. The Senator from West Virginia was never so much mistaken in all his life.

Mr. KENNA. I am glad to hear it, because I see from the RECORD——

Mr. MITCHELL. He never was so much mistaken in all his life. It is a mistake, pure and simple, on the part of my friend, because I was not in Congress at the time. The Senator evidently has in mind Mr. Mitchell of Pennsylvania.

Mr. KENNA. Possibly that may be the case, but I see the name "Mitchell" following this line all the way through.

Mr. MITCHELL. Certainly I never voted against any bill proposing to abrogate the Burlingame treaty. I have always advocated its repeal, either by treaty or by act of Congress. I was not a member of the Senate during President Arthur's Administration. It was Senator Mitchell of Pennsylvania evidently, and the Senator, my friend from West Virginia, has been misled.

Mr. KENNA. I beg the Senator's pardon, because I was surprised that he should have done so.

Mr. MITCHELL. It was a mistake any Senator might have made.

Mr. KENNA. It is perhaps due to myself to say that I did not get this volume of the RECORD with a view to ascertain the vote of the Senator from Oregon; I got it with a view to the record of some other Senators who occupy very peculiar relations to the present legislation as compared with their relations to former legislation on this subject. I happened to see the Senator's name, and I thought it worth while to call his attention to it.

Mr. MITCHELL. Now, I want to call attention to another circumstance in answer to the argument which is being made all the while, to the effect that we must not do anything to aggravate China and to the effect that we have dealt hastily with China in regard to these treaties. What did we do in 1888? Early in 1888 the Administration entered into a treaty upon the part of this Government with China which I hold in my hand. That treaty was signed, I believe, in March, 1888. It was transmitted to the Senate March 16, 1888. It was reported to the Senate by Senator SHERMAN, chairman of the Committee on Foreign Relation, May 2, 1888, with two amendments only, and the treaty with those amendments was ratified on the 7th day of May, 1888.

To show that China did not act in good faith towards this Government, that the Chinese Government was insincere, to say the least, I want to call attention to the fact that the two amendments proposed by the Senate committee, and which were adopted by the Senate, do not change the meaning of the treaty in any respect, and were only put on by the Senate at the time, as I remember, in order to make more plain the meaning, and not with any intention of contradicting any of the provisions of the treaty as it had been agreed to by the Chinese Government and as it was sent to the Senate, or of adding any new features to it.

What was the first amendment? Article 1 as agreed to by the Chinese Government reads as follows:

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

That was the clause to which the Senate tacked on the following amendment:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

The article thus amended, I submit, meant precisely the same as before amended. It included all Chinese before the amendment was put on, whether ever here before or not, and was so understood and construed by the Secretary of State, Secretary Bayard, in his letter of transmission to the Senate. In his letter of date March 16, 1888, Secretary Bayard, in referring to the treaty, makes the remark which I shall read, on page 2, Executive Document O, Confidential, which has been made public. After referring to the different articles he says:

This precludes the return of any Chinese laborers who are not now in this country, and forbids the coming into the United States of Chinese laborers from any quarter whatsoever.

What was the next amendment? It was to article 2. The article as transmitted to the Senate and as agreed to by the two Governments provided that such Chinese are permitted to go and come, namely, "any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement," should obtain a certificate before he left this country, which certificate should entitle him to return. That was the treaty as agreed to by the Chinese Government. The Senate put on this clause:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

What was the object of requiring a certificate to be issued? It was that it might be the credentials entitling him to return his passport, and in order to make the thing a little more definite and plain the Senate added this amendment, which in no sense, as it seems to me, enlarges the provisions of the article, nor does it add to or restrict it.

Now, then, what does the Chinese Government do after having entered into this treaty? It was stated on the floor of the Senate last Saturday that after the treaty had been ratified by the Senate May 7, 1888, it had been immediately cabled to China by the Chinese minister. That date was May 7, 1888. The Scott exclusion act was not introduced into the House of Representatives until the 7th day of September, 1888. Three months, ninety long days, had been permitted to elapse, and the Chinese Government had made no response, so far as we are advised, as to its intentions in reference to this treaty. If these amendments of the Senate were objectionable to Chinese officials, why did they not say so? Why did they not communicate to Secretary Bayard and say to him: "The Senate has changed the treaty; it is not satisfactory to us." But no, sir, there was not one word, so

far as these executive documents show. They were perfectly silent, silent as the grave, for three long months before the Scott exclusion bill was introduced.

Senators say we have acted hastily; that we have acted without first notifying the Chinese Government. Upon the contrary, we did not act hastily.

The Scott exclusion bill was not a hasty performance, in my judgment, upon the part of the member of the other House who introduced it. He represented the Administration, I take it, at the time. The Administration had done all that any administration ought to have been called upon to do after the treaty had been signed, although I never approved of the treaty, for the reason that its provisions were not sufficiently drastic to meet the evil aimed at. The Chinese minister cabled the treaty with those two unimportant amendments to the Chinese Government, and the Chinese Government goes into its tent and sulks, and refuses to respond: it neither says yea or nay. It gives no sign, and it makes no objection to the Senate amendments, so far as I am advised and so far as I have been able to ascertain.

Mr. PLATT. I was out of the Chamber for a moment. Let me ask the Senator when the treaty was ratified by the Senate?

Mr. MITCHELL. It was ratified by the Senate on the 7th day of May, 1888.

Mr. GRAY. With amendments.

Mr. MITCHELL. With two unimportant amendments, to which I called attention. The treaty was then immediately cabled, as we are advised, to the Chinese Government by the Chinese minister. We did not remain quiet. We went on in good faith in September, 1888, and passed an act with a view of carrying out the provisions of that treaty, supposing, of course, the treaty would soon become operative. We even went so far as to pass that bill through both Houses of Congress, and it went to the President and was signed by the President of the United States, President Cleveland, and I hold it in my hand.

Mr. GRAY. May I ask the Senator a question?

Mr. MITCHELL. Certainly.

Mr. GRAY. The treaty to which the Senator refers was sent into the Senate as a treaty already executed by the President and the Chinese Government?

Mr. MITCHELL. Yes, sir.

Mr. GRAY. It was sent in for the ratification of the Senate?

Mr. MITCHELL. Yes, sir.

Mr. GRAY. And the Senator from Oregon says that the Senate put an amendment to it?

Mr. MITCHELL. Two amendments.

Mr. GRAY. The Senate put two amendments to it, which did not in his opinion——

Mr. MITCHELL. Change the meaning.

Mr. GRAY. Which did not at all change the meaning or make more rigid the provisions contained in the treaty?

Mr. MITCHELL. That is what I think.

Mr. GRAY. Now, why did the Senate do that thing and thereby prevent the accomplishment of what had already been accomplished so far as the President of the United States and the Secretary of State were concerned?

Mr. MITCHELL. The only reason why they did so, in my judgment, is that it was thought by some that the meaning was a little obscure; that it was somewhat ambiguous. I do not believe that any member of the Senate was of the opinion that the amendments made a radical change or any change in fact in the real meaning of the document, but they did make the language perfectly plain so there could be no room for but the one construction.

Mr. GRAY. Treaties that came from that Administration to the Senate, no matter how meritorious, as this one seems to have been, appear to have failed of ratification here in the form in which they came.

Mr. MITCHELL. I do not know about that. So far as I am concerned, I did not vote for that treaty. It was not satisfactory to me; it was not satisfactory to the people of the Pacific coast, although it was ratified with two slight amendments; and I think the amendments were presented by the committee in perfect good faith in order to make plain the meaning of the treaty.

Mr. PLATT. I was called out for a moment, and possibly the Senator has stated what would be an answer to a question I should like to ask.

Mr. MITCHELL. All right; what is it?

Mr. PLATT. Had China signified to our State Department at the time of the passage of the Scott exclusion act, whether it would agree to the treaty as amended or not?

Mr. MITCHELL. I stated while the Senator was out that the treaty, according to the record, was ratified in the Senate May 7, 1888; that it was cabled by the Chinese minister immediately to the Chinese Government, and no response was received. They had not stated that the amendments of the Senate were unsatisfactory or that they were satisfactory, nor had the Chinese Government given any reason up to the date of the introduction of the bill in the House of Representatives September 17, 1888, why they had not acted upon the amendments to the treaty.

I refer to this matter for the purpose of showing that the Government of the United States did not act hastily in passing the exclusion act October 1, 1888. We went on in perfect good faith, the treaty having been agreed to, and we passed an act for the purpose of carrying out its provisions, as I say, which was approved September 13, 1888. That is the act that the Congress of the United States passed, supposing, as a matter of course, the treaty would go into operation. It was passed in order to carry out the provisions of the treaty; but, of course, as the treaty never was accepted by the Chinese Government, the act as it stands is a dead letter on the statute book.

Mr. PLATT. Now, if the Senator will permit me, I think there is a little evidence that China would have agreed to that treaty with the amendments if it had not been for the passage of what is known as the Scott exclusion law.

Mr. MITCHELL. If there is such evidence, my attention has never been called to it.

Mr. PLATT. In the memorandum of the Chinese minister, June 23, 1891, which comes in the correspondence relating to Senator Blair's appointment as minister to China, the minister

says "that the passing of that law while the treaty was being considered has had a very bad effect on China."

Mr. MITCHELL. That is a late correspondence.

Mr. SHERMAN. I hope the Senator will allow me to interrupt him?

Mr. MITCHELL. Certainly.

Mr. SHERMAN. I find by reference to the RECORD, which is the only evidence we have on the subject, that when the Scott bill was pending I made an appeal to the Senate to allow the bill to pass over, stating that the Chinese minister, who had not been here for some time, was then at Peru, on his way back, and there was a confident belief that if the passage of the Scott bill could be delayed until the Chinese minister should arrive a modification of the treaty would be made, so that the treaty would be approved and ratified by the Chinese Government, and a law passed to carry it into effect. I have here the statement that I made at that time, pending the debate. I said:

Mr. SHERMAN. Mr. President, I do not intend to prolong the debate on this bill, because I think the Senate ought to be willing to wait a day or two, or two or three days, until we ascertain, in response to the inquiry sent to the President, whether the fact on which this bill rests really exists.

That is, the allegation that the Chinese Government would not agree to it.

Yesterday, after information communicated to me in an informal way that we were acting in the dark and in haste upon information that was probably groundless, that the Senate was departing from its usual orderly proceeding upon a misapprehension of facts, I introduced a resolution, which was passed yesterday morning, calling on the President to inform us whether or not there was any information of any kind whatever indicating that the treaty with China was not to be ratified.

Then I go on to say:

I am decidedly in favor of the passage of this bill. If the Chinese Government has deliberately declined to negotiate further upon this subject, and has refused to accede to the universal demand of the American people that there shall be a restriction on this kind of immigration, then I am perfectly willing to pass a law asserting the power of the United States to regulate the coming of persons to this country, declaring who shall be kept out of it, and of passing such a bill without regard to the ordinary forms of legislation. But that fact has not been ascertained; we have no answer to the resolution of the Senate adopted yesterday. That answer will undoubtedly come to-day in the ordinary course of proceedings.

At that time the Chinese minister was on his way here, but Congress refused to wait until it could be ascertained. I find that thereupon a motion was made by some member of the Committee on Foreign Relations to postpone the consideration of the matter for a few days. That motion was defeated by one majority. By one majority only was it defeated, and after that time I refused to participate, and did not vote either for or against the bill. I have no doubt now, upon an examination of the debates as they occurred, that if we had waited two weeks until the Chinese minister arrived, negotiations would have been carried on, and we would have been enabled to pass in accordance with the treaty the general provisions of the Scott law. Is not that the way the Senator understands it? Is not that the history of it?

Mr. MITCHELL. I remember all about that, and it is just as the Senator has stated it, so far as his action is concerned. But here is the point: Ninety days, three long months, had elapsed

from the time the treaty was cabled to the Chinese Government. Has the chairman of the committee any information now that any statement had come from the Chinese Government to the State Department in reference to the matter during all that time? The Senator says he has no doubt if we had waited until the Chinese minister arrived here that something would have been done.

Mr. SHERMAN. This shows perfectly well that the Chinese minister was on his way here from Peru. The delay was accounted for by the fact that his duties required him to go and spend a portion of his time in Peru. Information had been called for by the Senate upon the President to know whether the allegation which is now made was true, and it was thought that by waiting awhile we could probably have the assent of China to this modification of the treaty. I have no doubt that that was true; but as Congress would not wait we proceeded then to pass the Scott bill, and the President approved it. Then the Chinese Government, I suppose, took offense and refused to ratify the treaty as amended or in any way to recognize the law of 1888.

Mr. MITCHELL. However that may be, the fact is that the treaty entered into in March, 1888, was a most liberal treaty for the Chinese—so liberal that it was wholly unsatisfactory to the people of the Pacific coast. That treaty provided, among other things, that a Chinese person having a parent or child or husband or wife in this country should come and go.

Mr. DAWES. Should come back, not come and go.

Mr. MITCHELL. That he should come back. It provided that a person having a debt of a thousand dollars should be recognized in his right to come back. In addition to all that, it made an appropriation in the treaty of $276,619.75 as a matter of grace to the Chinese Government on account of massacres and troubles in Wyoming to indemnify them in that matter. So taken altogether, whatever may be said to the contrary, it was a most liberal proposition to a government which had pretended to be in favor of keeping their laborers at home, and yet they keep that treaty for ninety days without making any move whatever as to whether it was acceptable with the Senate amendments or not, and as a result Congress, tired of waiting, enacted the Scott exclusion act.

Mr. SHERMAN. The reason was that the Chinese minister was not here.

Mr. VEST. Will the Senator from Oregon permit me to interrupt him?

Mr. MITCHELL. Yes, sir.

Mr. VEST. In the May number of the North American Review there is an article by John Russell Young, late minister to China, in which he corroborates the statement made by the Senator from Ohio [Mr. SHERMAN]. He asserts very positively that he knows the fact to exist that the Chinese Government has never felt any interest in promoting the immigration of their people to this country, and that but for the passage of the Scott act of 1888 (for which I voted, and I have never regretted it) the Chinese Government would have very gladly put additional stipulations in the treaty looking to the prevention of their citizens coming to this country. That statement, whatever it is worth,

has been published in the North American Review, which came out in the last day or two.

Mr. MITCHELL. The Chinese Government, of course have their advocates in this country, and they are able. I have not read the article referred to in the North American Review. I have no doubt it is stated just as the Senator states it, so far as that is concerned. But I must hurry along as my friend from Florida [Mr. CALL] is entitled to a fair share of the remaining time.

A great deal has been said about our trade with China; that it would be broken off by this action. What is our trade with China? It is most insignificant in amount and value. Here are our exports. I hold in my hand a statement of our exports to China for the year ending June 30, 1891:

Wheat, not a bushel, not a pound.

Flour, 34,474 barrels, value $134,969.

Bread and buscuit, 29,460 pounds; value $2,001.

One thousand two hundred and thirty-four bushels of oats; value $765.

Fowls and animals, 100; value $150.

Patent medicine, $1,089 worth.

Clocks, and parts of, $52,689.

Watches, $200.

Now we come to the principal and main articles:

Cloths, uncolored, 80,674,246 yards; value $5,321,500.

That and the one other article of illuminating gas are the only two items in the whole category that amount to anything at all.

Wearing apparel, $1,668.06.

Codfish, including haddock, hake, pollock, 12,270 pounds, value $894.

Canned salmon, 4,030 pounds, value $441.

Canned fish, other than salmon, $185.

Cordage, 2,492 pounds, $324.

Twine, $116.

What an immense commerce this is!

Apples, green and dried, 555 barrels, $1,526.

Fifteen tons of hay, $231.

Boots and shoes, 50 pairs, $128.

Castings, $15,000.

One stationary engine, $500.

Sole leather, 13,555 pounds, $3,585.

Tar, 30 barrels, $84.

Turpentine and pitch, 185 barrels, $323.

Illuminating oils, 27,160,660 gallons, value $2,586,321.

That and the uncolored goods are the only two items, I may say, worth considering.

Plated ware, value $33,475.

Bacon, 13,241 pounds, value $1,821.

Lard, 150 pounds, value $13.

All other meat products, $709.

Cheese, 27,474 pounds, value $3,771.

Rum, 23 gallons, $60.

Spirits of turpentine, 10,600 gallons, value $4,696.

Starch, 1,100 pounds, value $60.

Refined sugar, 6,964 pounds, value $468.
Unrefined sugar, none.
Tin manufactures, $2,632.
Cigarettes, $28,407.
Varnish, 470 gallons, value $630.
Beans and peas, 214 bushels, value $387.
Onions, 52 bushels, $93.
Canned vegetables, value $183.
Vinegar, 26 gallons, $5.
Wine in bottles, none.
Wine not in bottles, 5,149 gallons, value $2,612.
Boards, deals, and planks, 5,629 feet, value $55,774.85.
Doors, sash, and blinds, $850.
House furniture, $1,583..
Flannels and blankets, $684.
Wearing apparel, $952.

Total value of exports of domestic merchandise, $8,700,308, while their imports were $19,321,850 for the year ending June 30, 1891.

The trade, Mr. President, is all on their side. We have sent to China within the last twenty years over $200,000,000 in gold and silver to pay our balances. From 1870 to 1885 we had sent $135,000,000, and since then we have sent a sufficient amount to make it, as I say, more than $200,000,000 in gold and silver to pay our balances. Then talk to me about the Chinese breaking off intercourse with us, destroying that trade so valuable to them, simply because we exercise our sovereign right to protect ourselves against dangers that we all regard as real to the institutions of our country! They will never do it, Mr. President. Now, I must not take up any more time, at least not much.

Mr. PLATT. If the Senator will permit me, I think the argument he is making now would lead to breaking off trade relations with almost all South American countries, from whom we receive more than we send to them. For instance, we have been paying a great deal of money out to Brazil, and through London for that matter, but the same argument that the Senator makes with regard to China would hold good, that the trade of Brazil was not worth continuing.

Mr. MITCHELL. It will be time enough to consider what we shall do in reference to our treaties with Brazil when the case comes up, so far as that is concerned.

I wish to say one word in regard to the rejection of Mr. Blair. I agree fully with all that has been stated by my friend on my right [Mr. TELLER] as to the international law in the case. I agree that any nation has a right to reject a minister named for that country without giving any reasons whatever. But while that right exists, while the right to object to a person because he is personally nonacceptable, without assigning any reasons, exists, I insist that when a nation, instead of exercising that right, objects to a minister and gratuitously assigns as reasons grounds that do not relate to him personally, but which amount to an objection to the nation, on account of some national act, then the least that can be said of it is that that nation has been guilty of a studied insult.

Let me call attention to this particular case. The final ob-

jection to Mr. Blair was because he had voted for a certain act of Congress that became a part of the supreme law of the land. I say that that objection was not a *personal* objection but it amounted to a *national* objection. The moment that that act became a part of the supreme law of the land it became the duty of every citizen of the United States to stand by it and assist in its faithful execution. The objection is one that goes to the nation because it had placed on the statute book legislation that the Chinese Government regarded as obnoxious to them.

Suppose that the President of the United States should tomorrow send to the Senate as minister to Great Britain the name of THOMAS B. REED, of Maine, or suppose he should send as minister to the court of St. James the name of William McKinley, jr., of Ohio, that the Senate should ratify either of the nominations, and Great Britain should come back and say, "Mr. REED or Mr. McKinley is not acceptable to us." That would be all very well. She would have a right to do that, nobody can object; but suppose she went a step further and gave reasons, and said "we object to Mr. REED, or we object to Mr. McKinley, as the case might be, because he participated in the passage of a law which now stands upon your statute books, which we regard as obnoxious to our country, and therefore we object." I say that then it becomes a case not of mere *persona non grata*, not an objection to the *person* merely, but to the *nation*. I desire to inquire what this administration, or this Government, or the people of this country would think of an objection of that kind coming to the nomination and confirmation of Mr. REED or Mr. McKinley. Unless I am very much mistaken in my conception of things, such an objection, when no reasons at all were necessary or required to be given, would be regarded in the light of a diplomatic insult, and our minister to the court of St. James would, in fitting response, be recalled.

Now, Mr. President, before closing I want to refer to one other matter referred to by my friend from Minnesota [Mr. DAVIS]. My friend, genial, able, erudite as he is, losing sight evidently for the moment of the great evils, the great dangers to this country likely to result from continued Chinese immigration; forgetting for the moment the lesson which history teaches us as to what the pagan Chinese did over five hundred years ago, when, under the great Tamerlane, by the mere force of overpowering numbers, they subdued principalities and peoples along the Tigris, the Euphrates, the Volga, the Ganges, and the Nile—looking away beyond all this, my friend from Minnesota imagines he sees a more ominous, a more portentous cloud of danger to our institutions in another form and in another direction; and in comparison, he loses sight evidently for the time being of the dangers and the demoralizations of Chinese immigration to this country, and comparing Cahensly as representing the one theory and Confucius as representing the other, he gives the palm to Confucius and crowns him with eulogy.

My friend is apprehensive that a movement set on foot last year, I believe, by a comparatively obscure member of the Prussian Diet, and which movement, as very properly and very truthfully stated by the Senator from Minnesota, was on its first presenta-

tion denounced by His Holiness Leo XIII, in the Vatican, and reprobated by Cardinal Gibbon and Archbishop Ireland in this country, will result in the disintegration of American civilization, and in the establishment in this country of as many different nations as there are people and as there are tongues. I tell my friend from Minnesota what has been done once may be done again.

If those vast hordes of Chinese pagans, led on by the great Mongolian leader, Tamerlane, over five centuries ago, could, not by military prowess, but by the mere force of overpowering numbers, make a track of desolation through Russia and Turkey and Egypt and India which required for centuries the energies of all those nations to obliterate, they may do it again. What pagan China has done in Europe, it is possible for her to do in America. Russia has felt the shock of Chinese invasion. She has been overpowered in her provinces, and her country desolated, not by warlike men, but by the mere force and immensity of overpowering numbers. The present Czar of Russia, living in the sunlight of the history of the past, is keenly alive to the dangers to that country from another Chinese invasion. But, in my humble judgment, leaving out of consideration all question of any wholesale invasion, I believe the continual immigration of Chinese to this country, even in a limited form, will result in great danger eventually to the people and the institutions of this country.

While I believe that is so, I do not think there is any well-grounded fear that this great political edifice of ours, occupied, as it is, by sixty-five million of intelligent patriotic people, mainly of the Anglo-Saxon race, an edifice whose foundations are Christianity and patriotism, whose pillars are upheld by millions of patriotic men, native and foreign born, and representing many creeds, will ever be moved from its base in the slightest degree by the establishment of any *imperium in Imperio*, or by any confusion of tongues.

Mr. President, the builders of American civilization, marching proudly on as they are to-day in the vanguard of the world's progress, were never born to be "scattered and peeled" by any man, or sect, or nation, however wise or great, who might plot or combine to establish in our midst a Babelistic confusion of tongues.

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